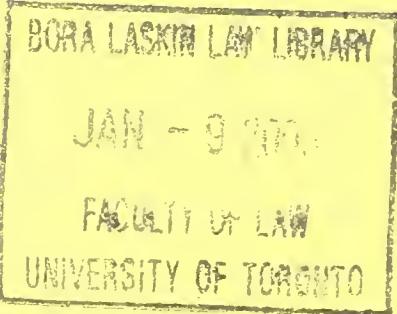




INTERNATIONAL HUMAN RIGHTS LAW
Professor Patrick Macklem

**Faculty of Law
University of Toronto
2005-2006**



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This seminar explores the role that international social, cultural and economic rights play in the promotion of a just international legal order. It examines the nature of social and economic rights, the right of self-determination, the rights of indigenous peoples and religious, cultural and national minorities, international labour rights, and the relation between human rights and development. It studies the relationship between international social, cultural and economic rights, the international distribution of sovereign authority, and international legal commitments to the liberalization of trade, services and investment. It explores the extent to which social, cultural and economic rights can serve as instruments that promote a just distribution of sovereign authority and mitigate some of the adverse distributional consequences of economic globalization. Other themes of the course include the universalism-relativism debate, the relationship between international human rights law and domestic constitutional law, and changing conceptions of state sovereignty in international law.

Evaluation: Students will be evaluated by class participation (20%) and a 20 page written assignment (80%) distributed toward the end of the term and due at the end of the examination period. Students cannot fulfill the extended paper requirement in this course.

Overview of the Field – Themes of the Course

Henkin, "International Law: Politics, Values, and Functions" 1

- Robert McCorquodale and Richard Fairbrother, "Globalization and Human Rights" (1991)
Human Rights Quarterly 21 at 735 5

John Rawls, *The Law of Peoples* 35-43, 78-81, 112-118..... 14

The Right of Self-Determination

Diane Orentlicher, "Separation Anxiety: International Responses to Ethno-Separatist
Claims" (1998) 23 Yale J. of Int'l Law 1..... 19

Reference Re: *Secession of Quebec* (1998) 161 D. L. R. (4th) 385 28

Religious, Cultural, and Ethnic Rights

Arrowsmith v. U.K., App. No. 7050/75, 19 Eur. Commission H.R. Dec. & Rep 5 (1978) .. 38

Sahin v. Turkey, European Court of Human Rights, No. 44774/98 (2004).....54

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Pogany, “The Value of Multiculturalism in Eastern Europe”	76
<i>Chapman v. U.K.</i> , European Court of Human Rights, Application no. 27238/95, 2001	84
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<i>Draft Declaration on the Rights of Indigenous Peoples</i> E/CN.4/Sub.2/1994/2/Add.1 (20 April, 1994)	97
<i>Francis Hopu and Tepoaitu Bessert v. France</i> CCPR/C/60/D/549/1993/Rev.1 (29 December, 1997)	108
<i>Ivan Kitok v. Sweden</i> CCPR/R/33/D//197/1985 (10 August, 1988)	118
<i>Ominayak, Chief of the Lubicon Lake Band v. Canada</i> CCPR/C/38/D/167/1984 (5 October, 1990)	124
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<i>Ibrahima Gueye et al. v. France</i> (Communication no. 196/1985)	137
<i>Frédéric Foin v. France</i> (Communication no. 666/1995)	139
<i>Alina Simunek et al. v. The Czech Republic</i> (communication no. 516/1992)	145
<i>Joseph Kavanagh v. Ireland</i> (Communication no 819/1998)	148
 Social and Economic Rights	
<i>Cass Sunstein, “Against Positive Rights”</i> (1993) East European Constitutional Review 35	153
United Nations High Commissioner for Human Rights, Committee on Economic, Social and Cultural Rights, General Comment No. 3	157
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<i>Plattform “Ärzte für das Leben” v. Austria</i> , European Court of Human Rights, 1988	169

UN Economic and Social Council, General Comment No. 9 (12 March, 1998)	173
On Social Security Benefits	178
Grootbroom v. South Africa (4 October, 2000)	184

Labour Rights

Virginia A. Leary, “The Paradox of Workers’ Rights as Human Rights” at 22	199
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The Right to Development

Steiner & Alston, Chapter 16, <i>International Human Rights in Context</i> at 1316	211
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Charter of the United Nations	223
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International Covenant on Civil and Political Rights	239
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